



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/667,339	09/23/2003	Shogo Hirose	117255	9283
25944 7590 10/09/2008 OLIFF & BERRIDGE, PLC P.O. BOX 320850 ALEXANDRIA, VA 22320-4850				
EXAMINER				
LEUNG, JENNIFER A				
ART UNIT		PAPER NUMBER		
1797				
MAIL DATE		DELIVERY MODE		
10/09/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

CONTINUATION SHEET

ITEM 11.

The request for reconsideration has been considered, but it does not place the application in condition for allowance, for the same reasons set forth in the final Office Action.

Applicant argues that the dimensions of the slits would not have been considered result effective variables by one having ordinary skill in the art. Applicant bases this assertion on three reasons-- first, the variations of both width and length of the slit constitute two separate variables, which is contrary to the doctrine of a result effective variable; second, Tomita does not disclose that the variations to the length of the slit achieve a recognized results; and third, the specification of Hijikata discloses the intended general dimensions of the slits, and thus negates and presumption that one of ordinary skill in the art would have tried to optimize the dimensions of the slits in a different manner.

The Examiner respectfully disagrees.

Regarding the first and second reasons, the Examiner asserts that the width and the length of the slits would have each been recognized as result effective variables by one having ordinary skill in the art. For example, at a wide width and a long length, the opening area of the slit would be large. And at a narrow width and a short length, the opening area of the slit would be small. Tomita (see column 4, lines 19-28, and column 5, lines 16-24) evidences that the pressure loss and collective efficiency of a honeycomb structure will depend on the opening area of the slit. If the opening area is too large, almost all the exhaust gas passes through the slits, without collecting any particulates on the filter walls. If the opening area is too small, the honeycomb structure will be quickly clogged by the particulates.

One having ordinary skill in the art would have further recognized that the length of a slit should be maintained below a maximum length, in order to maintain the mechanical strength of a honeycomb structure, as evidenced by Hidaka et al. (see section [0053]).

Accordingly, one having ordinary skill in the art at the time the invention was made would have routinely optimized the width and the length of the slits in order to achieve an optimal opening area of the slits, so that a suitable pressure loss and collective efficiency of the honeycomb structure were achieved, while further ensuring that the length of the slits was below a maximum length, to maintain the mechanical strength of the honeycomb structure.

Regarding the third reason, although Hijikata may present examples in which the width of the slit is equal to the full inner width of the cell, the disclosure of Hijikata does not specifically exclude other slit widths. For example, FIG. 20 suggests that widths narrower than the full inner width of the cell may be used (see dotted lines identifying the openings 36).

The prior art's mere disclosure of more than one alternative does not constitute a teaching away from any of these alternatives because such disclosure does not criticize, discredit, or otherwise discourage the solution claimed. See MPEP 2123 II.

CONCLUSION

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JENNIFER A. LEUNG whose telephone number is (571) 272-1449. The examiner can normally be reached on 9:30 am - 5:30 pm Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn A. Caldarola can be reached on (571) 272-1444. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jennifer A. Leung/
Primary Examiner, Art Unit 1797